

not go through the committee allowing us the opportunity to strike this provision. Sunsetting the bill is simply bad policy. There is no serious medical or public health argument that it would enhance the health of American children to repeal this law in 5 years. Certainly no one makes the argument that the rules regarding testing of drugs in adults need to be reassessed every 5 years.

Since the sunset provision is not based on improving the public health, why is it in the bill? I have been told that the law giving companies financial incentives for conducting pediatric studies sunsets every 5 years, so this bill should too. But the financial incentives bill raises very different concerns. Those incentives extend drug company monopolies on popular drugs, which in turn raises the price of those drugs for all Americans.

The Congress has an obligation to reassess the size of the incentives periodically to make sure that the cost in higher drug prices is worth the benefit being gained.

There is no similar reason to reassess the Pediatric Rule, and I am very concerned that by sunsetting the two bills together, the Congress will be put in a position where reauthorization of the Pediatric Rule is held hostage to reauthorization of the incentives.

The fact that we have been denied the opportunity to strike the sunset is unfortunate. Similarly, I regret that the gentleman from Michigan (Mr. STUPAK) was denied the opportunity to offer his amendment which addresses an extremely serious issue. I strongly support his amendment and would have liked to have voted for it in committee.

Nevertheless, despite my concern with the process, I will vote for this bill. It is urgent that we pass this legislation as quickly as possible. Every day that we do not act to put the Pediatric Rule back into effect, we run an additional risk that the health of American children will be compromised.

For more than 40 years, the Food and Drug Act has offered a guarantee to adult Americans that their drugs will be safe and effective. It is time we assured our children of the same guarantee.

This bill will also assure that all contact lens care products will be regulated as device accessories.

Mr. DINGELL. Mr. Speaker, I support S. 650, the "Pediatric Research Equity Act of 2003." This bill will make clear that the Food and Drug Administration (FDA) has the authority to require testing for drugs that are administered to children in appropriate cases. This legislation will effectively moot pending litigation. Last year, a Federal district court held that FDA lacked statutory authority to promulgate the pediatric rule. While appeals are pending, this bill will provide a speedy and certain resolution of that question.

Mr. Speaker, I do want to express my concerns with a provision in this bill which sunsets FDA's authority on October 1, 2007. Why on earth should a regulatory authority to protect

the health of children be time limited? There are reasons, none of them good. This date just happens to coincide with the expiration of a provision of existing law which provides a financially powerful incentive to drug makers to test drugs for children. Whatever the perceived merits of the incentive, it costs consumers a lot of money because it delays generic drug entry into the market for six months beyond what would normally be the case. The rule is being tied to the incentive and that, in my view, is just plain wrong.

We should have had an opportunity to debate and offer amendments to improve S. 650, but this bill is being brought to the floor without being reported or otherwise considered by the Committee on Energy and Commerce. This is an unnecessary and unwise bypass of the committee of jurisdiction. The health of America's children is too important for us to avoid careful consideration of matters that affect them. For us to merely adopt the work product of the Senate is to shirk our duty for our children. We can do better, and the fact that we did not do better is unfortunate.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 650.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2420, by the yeas and nays;
House Resolution 427, by the yeas and nays;

House Concurrent Resolution 83, by the yeas and nays.

The first electronic vote in this series will be conducted as a 15-minute vote. The remaining votes in this series will be 5-minute votes.

MUTUAL FUNDS INTEGRITY AND FEE TRANSPARENCY ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2420, as amended.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 2420, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 2, not voting 14, as follows:

Abercrombie	Deuts	Jones (NC)
Ackerman	Diaz-Balart, L.	Jones (OH)
Aderholt	Diaz-Balart, M.	Kanjorski
Akin	Dicks	Kaptur
Alexander	Dingell	Keller
Allen	Doggett	Kelly
Baca	Dooley (CA)	Kennedy (MN)
Bachus	Doolittle	Kennedy (RI)
Baird	Doyle	Kildee
Baker	Dreier	Kilpatrick
Baldwin	Duncan	Kind
Ballance	Dunn	King (IA)
Ballenger	Edwards	King (NY)
Barrett (SC)	Ehlers	Kingston
Bartlett (MD)	Emanuel	Kirk
Barton (TX)	Emerson	Klecza
Bass	Engel	Kline
Beauprez	English	Knollenberg
Becerra	Eshoo	Kolbe
Bell	Etheridge	Kucinich
Bereuter	Evans	LaHood
Berkley	Everett	Lampson
Berman	Farr	Langevin
Berry	Fattah	Lantos
Biggart	Feeney	Larsen (WA)
Bilirakis	Ferguson	Larson (CT)
Bishop (GA)	Filner	Latham
Bishop (UT)	Foley	LaTourette
Blackburn	Forbes	Leach
Blumenauer	Ford	Lee
Blunt	Fossella	Levin
Boehlert	Frank (MA)	Lewis (CA)
Boehner	Franks (AZ)	Lewis (GA)
Bonilla	Frelinghuysen	Lewis (KY)
Bonner	Frost	Linder
Bono	Gallegly	Lipinski
Boozman	Garrett (NJ)	LoBiondo
Boswell	Gerlach	Lofgren
Boucher	Gibbons	Lowe
Boyd	Gilchrest	Lucas (KY)
Bradley (NH)	Gillmor	Lucas (OK)
Brady (PA)	Gingrey	Lynch
Brady (TX)	Gonzalez	Majette
Brown (OH)	Goode	Maloney
Brown (SC)	Goodlatte	Manzullo
Brown, Corrine	Gordon	Markey
Brown-Waite,	Goss	Marshall
Ginny	Granger	Matheson
Burgess	Graves	Matsui
Burns	Green (TX)	McCarthy (MO)
Burr	Green (WI)	McCarthy (NY)
Burton (IN)	Greenwood	McCollum
Buyer	Grijalva	McCotter
Calvert	Gutierrez	McDermott
Camp	Gutknecht	McGovern
Cannon	Hall	McHugh
Cantor	Harman	McInnis
Capito	Harris	McIntyre
Capps	Hart	McKeon
Capuano	Hastings (FL)	McNulty
Cardin	Hastings (WA)	Meehan
Cardoza	Hayes	Meek (FL)
Carson (IN)	Hayworth	Meeks (NY)
Carson (OK)	Hefley	Menendez
Carter	Hensarling	Mica
Case	Herger	Michaud
Castle	Hill	Millender-
Chabot	Hinchey	McDonald
Chocola	Hinojosa	Miller (FL)
Clay	Hobson	Miller (MI)
Clyburn	Hoeffel	Miller (NC)
Coble	Hoekstra	Miller, Gary
Cole	Holden	Miller, George
Cooper	Holt	Mollohan
Costello	Honda	Moore
Cox	Hooley (OR)	Moran (KS)
Cramer	Hostettler	Moran (VA)
Crane	Houghton	Murphy
Crenshaw	Hoyer	Murtha
Crowley	Hulshof	Musgrave
Culberson	Hunter	Myrick
Cummings	Hyde	Nadler
Cunningham	Inslee	Napolitano
Davis (AL)	Israel	Neal (MA)
Davis (CA)	Issa	Nethercutt
Davis (FL)	Jackson (IL)	Neugebauer
Davis (IL)	Jackson-Lee	Ney
Davis (TN)	(TX)	Northup
Davis, Jo Ann	Janklow	Norwood
Davis, Tom	Jefferson	Nunes
Deal (GA)	Jenkins	Nussle
DeFazio	John	Oberstar
DeGette	Johnson (CT)	Obey
Delahunt	Johnson (IL)	Olver
DeLauro	Johnson, E. B.	Ortiz
DeLay	Johnson, Sam	Osborne

[Roll No. 638]

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